

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA; the States of CALIFORNIA, COLORADO, CONNECTICUT, DELAWARE, FLORIDA, GEORGIA, HAWAII, ILLINOIS, INDIANA, LOUISIANA, MARYLAND, MASSACHUSETTS, MICHIGAN, MINNESOTA, MONTANA, NEVADA, NEW HAMPSHIRE, NEW JERSEY, NEW MEXICO, NEW YORK, NORTH CAROLINA, OKLAHOMA, RHODE ISLAND, TENNESSEE, TEXAS, VIRGINIA, and WISCONSIN; the DISTRICT OF COLUMBIA, the CITY OF CHICAGO, and the CITY OF NEW YORK *ex rel.*, and OSWALD BILOTTA,

Plaintiffs,

-against-

NOVARTIS PHARMACEUTICALS
CORPORATION,

Defendant.

11 Civ. 0071 (PGG)

**NOTICE OF DEFENDANT NOVARTIS PHARMACEUTICALS CORPORATION'S
MOTION TO EXCLUDE THE TESTIMONY OF DANIEL L. MCFADDEN**

PLEASE TAKE NOTICE that, upon the Memorandum of Law in Support of Defendant Novartis Pharmaceuticals Corporation's Motion To Exclude the Testimony of Daniel L. McFadden, dated September 28, 2018, and the accompanying Declaration of Benjamin Gruenstein, executed September 28, 2018, and exhibits thereto, Defendant Novartis Pharmaceuticals Corporation hereby moves this Court, before the Honorable Paul G. Gardephe, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York, for an order, pursuant to

Federal Rules of Evidence 702 and 403 to exclude the testimony of Daniel L. McFadden, and granting such other and further relief as the Court deems just and proper.

Dated: September 28, 2018

Respectfully submitted,

s/ Evan R. Chesler

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